

1902-029
Lee Co.

Chancery Causes: N. G. Ely

vs. Richard King &c

CA-Debt
T-Property

-Deed

To the Honorable H. A. W. Sherr, Judge of the Circuit Court
of Lee County Va.

Humbly complaining, sheweth unto your honor your
orator, M. G. Ely, that on the 30th. day of October 1897
he obtained before A. J. Myers a Justice of the Peace
for Lee County, a Judgment against Richard King
of the said County, for \$25⁰⁰, with interest thereon
from September 1st. 1896, till paid, and \$1⁰⁰ Costs, on
which said Judgment a writ of Fieri Facias was duly issued
directed to W. C. Smith Constable of said County, which
was placed in the hands of said Constable to be
Executed, and on the return day thereof, returned
with the following endorsement thereon "Not Executed
No property found, W. C. Smith. C. L. C."

Now your orator further states, that the said
Richard King is seized and possessed in fee simple
of two or three small tracts or parcels land, lying and being
in the said County, near Lumbow, Va. containing acres
more or less and bounded by the lands of John Henegar,
Hugh Irvine, Mart Thomas and others, And that he is advised
that his Judgment (no part of which has been paid) is a valid
and subsisting lien, under the statute Law of Virginia, on
the said real estate, having been duly docketed and indexed in
Judgment Lien docket, vol. 2. page 184, in Lee County Court,
Clerks office, said Judgment and Execution and return endorsed is
filed herewith, marked "A" and asked to be made part of this
bill, that the rents and profits of the said real estate
will not satisfy the said Judgment in five years-

The prayer of your orator is, that the said Richard King be made party defendant to this bill and answer the same but not on oath that being waived, that the said real estate, or so much thereof as may be necessary, be sold to satisfy your orator's judgment, and that your honor will grant unto your orator such further and general relief as may be consistent with equity and the case requires, And your orator will ever pray etc.

M. L. Ely p. q -

Oct 7th 1901.

Plffs Costs

Clerk 4.79

Tax 1.50

Shff 1.00

Atty 5.00

Estimated 5.00

\$17.29

M. G. Ely. Deft.

vs. Bill in Chancery

Richard King. Deft.

1901 2nd Feb'y rules Bill
filed Summons &
replied & D N

" 1st March rules held
the last Monday in
Feb'y D N Confirmed
& Cause set for hear-
ing

M. G. Ely \$45.00

VIRGINIA--Lee County, to-wit:

To W. C. Smith, Constable of Said County.

I HEREBY COMMAND YOU TO SUMMON Richard King, if to be found in your District, to appear at Morganstone, in said County, on the 30 day of oct, 1897, before me or such other Justice of said County as may then be there to try this Warrant, to answer the complaint of M. S. Ely and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: for the sum of \$. 2500, due by note. Given under my hand the 21 day of october, 1897.

A. J. Myers J. P.

M. S. Ely Against
Richard King On the 30 day of oct, 1897.
In Debt.
At Morganstone, in said county. 1st
JUDGMENT, That the Plaintiff recover of the Defendant, \$. 2500, with interest thereon from the day of Sept, 1896, till paid, and \$ 100 for costs.

A. J. Myers J. P.

VIRGINIA, Lee County, to-wit:

To W. C. Smith, Constable of Said County:

I COMMAND YOU, in the name of the Commonwealth of Virginia, That of the goods and chattles of Richard King in your county, you cause to be made the sum of \$. 2500 with interest thereon from the 1st day of Sept, 1896, till paid, which M. S. Ely has recovered before me in a Warrant in Debt, and also the sum of \$ 100, which were adjudged to said M. S. Ely for costs in prosecuting said Warrant. Given under my hand 30 day of oct, 1897.

A. J. Myers J. P.

M. G. Ely

Vs } warrant

Richard King

Exhibited by delivering
a copy of the within warrant
to Mary King, wife of Richard
King, found at this usual place
of abode, and placing the
same in the hands of her,
the said Richard King not
being found at his usual place
of abode.

Oct. 23rd, 1897.
W. L. Smith
C. L. E.

Docketed in Judgment
Lien docket no 3
page 184 Aug 15/98
J. V. A. Richmond
ccvix

@ 75.

Not executed as property found. This mor-
ning, 1897.

W. L. Smith
C. L. E.

1 To the Honorable H. A. M. Stuen Judge of the
2 Circuit Court of Lee County, Va.

3 The amended and supplemental bill of your
4 orator, M. H. Ely, respectfully sheweth to the court
5 that heretofore your orator exhibited in this court
6 his original bill of complaint against Richard
7 King, seeking to enforce his judgment him of
8 \$25⁰⁰ and costs against the lands of the said
9 Richard^{King}, ^{and all the proceedings therein,} which is set out in the original
10 bill and is here asked to be treated and made
11 a part of this bill, Now your orator alleges that
12 the lands, sold, and sought to be subjected
13 to your orators said judgment, the said Richard
14 King, procured his vendors, Hugh. Irvine & wife
15 to convey to his children, George, Berdine, John. and
16 Bertie King, a copy of said deed is filed her and asked
17 to be made a part of this bill 'marked' Exhibit '1'
18 your orator alleges that said conveyance was
19 made to the aforesaid children, voluntarily without
20 consideration on their part, and made in that way
21 to hinder delay, and defraud the creditors of Richard
22 King and especially your orator, your orator
23 alleges that Richard King paid for said land and
24 that it should be decreed his and subject to his
25 debts, that Berdine, John and Bertie King are infants
26 under the age of twenty one years, The object
27 therefore of this amended bill is that, the said
28 Richard, King, George King, Berdine King, John King
29 and Bertie King, be made parties defendant to
30 this bill and answer the same, but not on
31 oath that being waived, that the infant defendants
32 answer by a proper Guardian ad Litem, to be

assigned to defend them in this suit, that
on a hearing that said deed be set aside and
held for naught, in so far as it effects, your
orators aforesaid judgment him and his purchase
of said land from J. T. Hyatt Commissioner, that
your orator be quieted in his title to said land,
And for all other further, and general
relief which to equity may seem meet,
And your orator will ever pray etc,
M. G. Ely Jr.

1

This deed made this the 14th, day of Aprile 1900 between Hugh Irvin and Elisabeth Irvin his wife Parties of the first Partt and George King and Berdine King and John King & Berty King the Parties of the second Part, boath Parties of the County of Lee and State of Virginia, Witness for the consideration of the sum of \$40.00 forty dollars paid in hand the receipt ^{of which} is hereby acknowledged the parties of the first Partt do bargain and sell to the Parties of the second Parties a sirtain tract or parsel of land lying and being in the County of Lee and State aforesaid it being a portion of the Nicholas Hennigar tract of land containing by estimation three and one half acres be the same more or less and bounded as follows to-wit; Beginning on a locus tree corner of M.W. Thomas land thence running southwest to a Public road and with said road north west to John Henegars line and with a line of his to a stake in the said Irvins line and with a line of his to the beginning and the Parties of the first Part do covenant with the said Parties of the second Part to warnt the the title generally to the above described tract of land with all of its appertinances free from the claimes of themselves there heirs forever.

Witness the following signatures and seal.

his
Hugh X Irvin (Seal)
mark
her
Elisabeth X Irvin (Seal)
mark

Virginia, Lee County to-wit;

I, A.J. Myers a Justice of the County of Lee and State of Virginia, do certify that Hugh Irvin and Elisabeth Irvin his wife whose names are signed to the foregoing deed has appeared before me in my County and State aforesaid and acknowledged the foregoing deed baring date Aprile 14th, 1900.

A.J. Myers J.P.

Virginia, Lee County to-wit;

In the Office of the Clerk of the County Court for said County the 15th day of April 1901, This deed was Presented, and with the certificate thereto annexed admitted to record.

Teste; B.M. Morgan Clerk

A Copy, Teste- B.M. Morgan ----- Clerk.
(D.B.No. 37, Page 354,)

Hugh Drvin et al
To { Deed
George King et al
copy

Clerk 40 cts.

To the honorable H.A.W.Skeen, Judge of the Circuit Court of Lee County, Virginia:

The answer of Berdine King, John King and Berty King, infants under the age of twenty-one years, by Geo.P.Cridlin, their guardian ad litem assigned to defend them in this suit, to a bill of complaint exhibited against them and others in this Honorable Court by M.G.Ely.

Respondents reserving to themselves the benefit of all just exceptions to said bill, for answer thereto, or to so much thereof as they are advised it is material they should answer, by their said guardian ad litem, answer and say:

That they are infants of tender years, and by reason of their said infancy, are incapable of understanding, or of taking care of their rights and interests. They therefore by their said guardian, commend themselves and their rights and interests to the protection of the Court, and pray that no decree may be pronounced which will tend to their prejudice.

And now having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

Geo. P. Cridlin,
Guardian ad litem for Berdine, John
and Berty King.

Virginia, Lee County, to-wit:

This day Geo.P.Cridlin, guardian ad litem for Berdine, John and Berty King, personally appeared before me, A.B.Munsey, Clerk of the Circuit Court for Lee County Virginia, and made oath that the statements contained in said answer, so far as made of his own knowledge are true, and so far as made from knowledge derived from others he believes to be true. Given under my hand this the 19th day of February, 1902.

A.B. Munsey Clerk.

M. G. Ely
vs. { Ed Cuy.

King et al
Answer of G. A. K.

Filed February 19th 1902
A. B. Murray Clerk

G. A. K. fee \$5.00.

M.G.Ely,

Plaintiff

Vs.

In Chancery.

Richard King ,et als

Defendants

This cause came on this day to be heard upon the papers formerly read in the cause, the Amended bill of the Plaintiff, process duly executed on adult defendants, the answer of the infant defendants duly sworn ^{to} by their ~~Guardian ad Litem~~, G.P.Cridlin, General replice ~~-tion~~thereto, and the report of Commissioner L.T.Hyatt and deed there with, and was argued by counsel: On consideration of which, the adult defendants failing to appear, plead answer or demur the amended bill as to them is taken for confessed, and the court doth adjudge order and decree that the deed executed by Hugh Irvine and wife on the 14th day of April 1900 to George King and others, ^{and recorded in the County Clerk's office} be set aside and held for naught, in so far as it effects the purchase of M.G.Ely or his judgment in this cause, the court being of opinion that said conveyance was made with fraudulent intent and for the purpose of this suit, said lands are decreed to be the lands of Richard King and M.G. Ely is forever ^{quieted} in his title as against all parties to this suit. And the court doth further decree that said report of Commissioner L.T.Hyatt and deed filed therewith, is duly approved and confirmed and M.G.Ely may withdraw said deed from this cause for recordation and the court awards to the purchaser M.G.Ely a writ of Possession to the lands purchased by him and described in this cause and nothing further remaining to be done this cause is stricken from the docket.

M. G. Ely Plff.
vs } Deedee Fernal
Richard Sturget also Plffs

Entered on Clk. 7
P. 58.

Enter This
H. A. W. Deedee

June 30th. 1902

M. H. Ely. Plff.,

against ~~the~~ Le Chauncy -

Richard King and others Defs.

This cause came on this day to be again
heard upon the papers formerly read in the
cause, and was argued by counsel,
on consideration of which and on motion
of plaintiff, and by agreement with defendants,
the decree entered in this cause June 30th 1902 -
in so far as it strikes this cause from
the docket, is set aside ^{and} ~~and the cause is~~
~~continued~~, with the further agreement of all the
parties, that if Rich King or some one for him
pays to M. H. Ely. \$25⁰⁰ within six months
from this date, then the whole of said decree
entered on the 30th of June, 1902, is to be set aside
held for naught, and the cause dismissed by Plff.
but if said payment is not made by Rich
King as aforesaid, then said decree entered in this
cause June 30th 1902 is forever binding, and said
cause may stand then stricken from the docket,
without further decree being ~~being~~ entered, in this
cause.

M. G. Cely. Oppr
vs. { Deener
Richard Kingadoles

Entered on COB
No 7 P. 107
Enter this

12 a w sheer

June 9th 1902

M. G. Ely, Plff.
against E. L. Channing
Richard King Deft.

This cause came on this day to be heard upon
the papers formerly read in the cause, the
report of sale by commissioner L. J. Hyatt
and was argued by counsel,
on consideration of which, said report of sale
is confirmed, and it appearing from said report
that the purchaser M. G. Ely, is entitled to a
deed to the lands purchased by him in this cause
it is further decreed that L. J. Hyatt who is
hereby appointed a commissioner for the purpose
will execute to the purchaser a deed, with
covenants of special warranty, for the two parcels
of land purchased by him in this cause
and report to court, And it is further decreed
that a writ of possession is hereby awarded
to M. G. Ely for the lands purchased by him
and described in this cause.

M. G. Ely. Plf.
No. 11 Decr
Richard King def.
Entered Chy O.B.
No 7 Page. 22

Enter this

H. A. W. Stearns

Nov. 12th 1901

M. G. Ely Plaintiff.

against E. E. De Chanery —
Richard King Defendant.

This cause came on this day to be heard upon the bill of Plaintiff, ^{Exhibits filed herewith} process duly executed as to the defendant, and was argued by counsel,

On consideration of which, the defendant failing to appear, plead answer and demur, the bill is taken for confessed as to said Deft. it is therefore, adjudged, ordered and decreed that the plaintiff M. G. Ely recover of the defendant Richard King the sum of \$26⁰⁰ with interest on \$25⁰⁰ part thereof from September 1st 1896 till paid and costs of this suit, and unless the defendant or some one for him pays the aforesaid sum within 30 days from the rising of this court, then L. J. Hyatt who is hereby appointed a commissioner for the purpose, will advertise and sell said lands described in said, bill according to law, and credit of one and two years, except costs and commissions which he will require paid down and for the deferred payments he will take bonds with approved personal security, but said commissioner before acting hereunder will execute bond in the sum of \$100 — conditioned according to law, and the cause is continued —

M. G. Ely Peff-
vs E. Deere -
Richard King left

Entered on July 13
No 6 Page 497-8

Enter This

~~1st 1st~~

March 6th 1901

To the Honorable H.A.W.Skeen, Judge of the circuit court for Lee County, Virginia:

Having been appointed by a decree of the said court entered at the March term, 1901, thereof, in the chancery cause therein pending, entitled M.G.Ely vs. Richard King, a special commissioner, and, as such, directed to make sale of certain real estate therein mentioned, *your Commissioner* respectfully reports that he executed the said decree in the following manner, to wit:

First.--That he executed before the clerk of this court the required bond;

Second, That he advertised the sale of the said real estate by posting three notices thereof, one at the front door of the court-house of said county, one at the post-office at Cumbow, Va., and one at the post-office at G.W.Garrett's store-house;

Third,--That on the 6th day of November, 1901, (being the first day of the November term, 1901, of the circuit court for Lee County, and the day mentioned in said advertisements as the day of sale), at the front door of the court house of the said county, he exposed for sale, by public auction, to the highest bidder, on the terms set out in the said decree, the following real estate, to-wit: The two or three small tracts or parcels of land, owned by the said Richard King, lying and being in said county of Lee, near Cumbow, Va., containing ____ acres, more or less, and bounded by the lands of John Henegar, Hugh Irvine, Mart Thomas and others, when M.G.Ely bid therefor the sum of forty-five dollars, and that being the highest and best bid offered for said land the same was knocked off to him at that price. And thereupon the said Ely paid to your commissioner the sum of \$2.25, being the commissions of sale. Since the debt

for which said land was sold is going to said M.G.Ely, and since the said Ely is bound for the costs of said suit, and the said debt, together with its interest and the costs of said suit amount to more than the said bid of \$45.00, your commissioner did not require the said Ely to pay the said costs or execute his notes for the residue of the said bid.

Your commissioner is not personally acquainted with the said lands, but from information derived from others, he believes that the sale is for a fair price.

Your commissioner files herewith as a part hereof a copy of the advertisements of said sale which were posted as above set forth.

Respectfully submitted,

L. P. Hyatt,

Special Commissioner.

LAND SALE!

M. G. Ely

Richard King

vs.

IN CHANCERY.

Pursuant to a decree rendered by the Circuit Court of Lee County, Virginia, at the

March

term, 1901, in the above styled cause, the undersigned will, at public outcry, at the front door of the

Court-house of said county, on the first day of the *November* term, 1901, of the *Circuit*

Court of said county, proceed to sell, to the highest and best bidder, on a credit of *One & two*

years time, except so much as may be necessary to pay the cost of suit and expense of sale

(which are required to be paid in hand), the following described property: *The real*

estate owned by the defendant, Richard King, lying and being in Lee County, near Lumbrow, Va., and bounded by the land of John Newgar, Hugh Irvine, Mart Thomas and others

For a more particular description of the foregoing property reference is here made to

Bonds with good and approved personal security will be required of the purchaser for the deferred payments. This the *30* day of *October*, 1901.

L. T. Ryan

Commissioner.

The bond required by law has been given,

A. B. Munn

Clerk.

M. G. Ely
vs { In lch.

Richard King -

Report of Sale.

Filed Nov 8, 1901.

A. B. Munsey Clerk

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of Lee County, Virginia;

Your undersigned Commissioner L.T.Hyatt begs leave to report that pursuant to decree entered in the Chancery Cause of M.G.Ely against Richard King, and others pending in your Honor's court, at the November Term 1901. He has made and executed to M.G.Ely, the purchaser a deed to the two tracts of land purchased by him and described in said cause, and files the same with this report, marked "Deed" for your Honor's approval.

Respectfully submitted,

L.T.Hyatt, Special Commissioner.

M. G. Ely. Plff.
vs. { Report of L. J. Wyatt
Commissioner & Deed,
Richard King and others off

Filed June 30th 1902
A. B. Munsey Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Richard King

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *3rd* Monday in *February* *1891*, to answer a
bill in chancery exhibited against *him* in our said court by *M. S. Ely*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *1st* day of *February* *1891*, and in the *125th* year of the
Commonwealth.

A. B. Munsey Clerk

McDonald

Form No. 300 $\frac{1}{2}$.

M. G. Ely

U.S.

}

SUBPOENA

IN CHANCERY

Richard King

M. G. Ely

p. q.

To 2nd February Rules.

Circuit

Court.

Feb 6 - 1901

Excited by

Delivering
a copy of the writ
to Richard King
J. R. McDonald
D. D.
for W. S. McLean

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Richard King, George King*
Burdine King, John King and Bertie King

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the
said court, on the *3rd* Monday in *February* 1902, to answer ^{*an amended*} bill in
chancery exhibited against *them* in our said court by *M. S. Ely*

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house,
the *10th* day of *February* 1902, and in the 12^{*62*} year of the Common-
wealth.

A copy, Teste:

A. B. Munsey Clerk.
A. B. Munsey Clerk.

M. G. Ely

VS. }

SUBPOENA
IN CHANCERY.

Richard King et al

M. G. Ely

p. q.

To 2nd February Rules.

1902. Circuit Court.

Feb 15 = 1902 Executed by Delivering a copy of
the within to George King's mother Mary King
+ one to Berdine King + one to John King
+ one to Betsy King

J. R. McDonald D. S.
for W. F. Millham S. C. C.